SENATE BILL No. 180

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DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-12.

Synopsis: Candidate challenges. Provides that a candidate's qualifications for, or election to, a public office may not be challenged in an action based on the same grounds that a challenge to the candidate's eligibility, qualifications, nomination, or election was made or could have been made under Indiana's election statutes. Allows a candidate who was first declared nominated or elected to a local or school board office ten days to file a petition to contest the nomination or election of another candidate following a recount.

Effective: July 1, 2009.

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January 7, 2009, read first time and referred to Committee on Elections.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~
  Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
  Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 180

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1   SECTION 1. IC 3-12-5-18 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 18. (a) This section applies to a person who**
4 **challenged, or was eligible to challenge, a candidate for elected**
5 **office under any of the following:**
6   **(1) The candidate's eligibility under IC 3-8-1 or IC 3-8-2.**
7   **(2) The candidate's qualifications under IC 3-8-8.**
8   **(3) A contest to the nomination or election of the candidate**
9   **under IC 3-12-8 or IC 3-12-11.**
10   **(b) A person who:**
11   **(1) previously challenged a candidate; or**
12   **(2) was eligible to challenge a candidate, but did not do so by**
13   **the last date for filing a challenge;**
14 **under IC 3-8-1, IC 3-8-2, IC 3-8-8, IC 3-12-8, or IC 3-12-11, may**
15 **not challenge a candidate's qualifications for or election to a public**
16 **office in an action based on the same grounds that the person**
17 **challenged or could have challenged the candidate under IC 3-8-1,**

1 **IC 3-8-2, IC 3-8-8, IC 3-12-8, or IC 3-12-11.**
2   SECTION 2. IC 3-12-6-34 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2009]: **Sec. 34. A candidate who was first declared nominated or**
5 **elected to an office by a county election board under IC 3-12-4-9**
6 **may file a petition to contest the nomination or election under**
7 **IC 3-12-8 not later than ten (10) days after a commission appointed**
8 **under this chapter files a certificate under section 22 of this**
9 **chapter showing that another candidate received the highest**
10 **number of votes for nomination or election to the office.**
11   SECTION 3. IC 3-12-8-5, AS AMENDED BY P.L.221-2005,
12 SECTION 119, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) **Except as provided in**
14 **IC 3-12-6-34,** a candidate who desires to contest an election or a
15 nomination under this chapter must file a verified petition with the
16 circuit court clerk of the county that contains the greatest percentage of
17 the population of the election district no later than noon fourteen (14)
18 days after election day.
19   (b) A county chairman who is entitled to and desires to contest an
20 election or a nomination under this chapter must file a verified petition
21 with the circuit court clerk of the county that contains the greatest
22 percentage of the population of the election district not later than noon
23 seventeen (17) days after election day.
24   (c) A petition for a contest of an election in different municipalities,
25 whether in the same court of the county or not, may not be
26 consolidated.